

The City of Frederick, Maryland
RECREATION & PARKS COMMISSION

Minutes of May 10, 2011

(Approved June 14, 2011)

Members Present: J. Baldi, M. Lawrence, J. Myers, R. Fox, C. Meierhoefer (Item #1 & 2),
J. Grove (Item #3 & 4)

Staff Present: R. Myers, K. Winterstein, G. Dunn, P. Reppert

Regrets: K. Wagester, D. Rivera (3:15pm), R. Knight (6:45pm)

Meeting called to order by Chairman J. Baldi at 7:05 p.m.

Welcome to new Commission member Rob Fox whose specialty is aquatics.

- 1. Review of the April 20, 2011 minutes:

Motion by J. Myers to approve the minutes as submitted

2nd by M. Lawrence

All in favor.

- 2. Continued discussion on the Nicodemus parkland dedication. Gabrielle Dunn and Pam Reppert of the Planning Department, Chris Smariga and Scott Miller were present. G. Dunn offered a summary of the report submitted by staff. Several options outlined by the LMC for how a developer can satisfy their parkland requirements. One being an onsite dedication which is fee simple to the City, private parkland dedication, fee-in-lieu of or several combinations. A recommendation to the Planning Commission is being sought to dedicate several parkland areas at this property. Questions arose at the last R&PC meeting and those questions have been addressed in the memo of May 2, 2011 as backup. Crediting privately owned property is not permitted by the LMC unless it's in conjunction with the fee-in-lieu of payment and it applies to multi-family and senior housing. Staff has discussed these issues briefly with the City's legal staff and the concern is setting up the City for potential issues in the future with regard to the public area being maintained by the homeowner's association (HOA). The concept achieves both needs, there are potential implications and staff does not recommend this as part of the R&PC's recommendation.

Chris Smariga briefed the new R&PC member on the project and the discussions of the last meeting. Also provided was a sheet listing the proposed number of units and parkland provided. A maximum total of 457 units are being planned for which required 10.49 acres of parkland with a minimum number of units being 404 (single family, townhome and multi-family). For a neighborhood park there will be a lot of amenities but the concern is that it is a neighborhood park and who else is coming in to use it. Decision was to just come in with new proposal which is allowed by the LMC for a waiver; saying it could be waived as City parkland. There are approximately 13 acres of parkland in the plan at this time.

Scott Miller, Weinberg & Miller, offered that the developer understands the City's issues with this plan. Discussions have occurred with Planning staff to use the provision that allows the Mayor and Board of Aldermen (M&B) through recommendations of this Commission and the Planning Commission to waive the parkland requirement; the obligation of the landowner to dedicate the parkland to the City to use and maintain as a public park. The plan is to request the waiver and here first for the R&PC recommendation. The proposal is not to change the plan regarding the open space; it will be developed by the developer and essentially owned and maintained by the HOA. It accomplishes the neighborhood open space requirement and the goal of the LMC. With the future proposed regional park located adjacent to this property, there will be sufficient City parkland to manage the demand for public parkland. That is the only LMC criteria with regard to the consideration of a waiver set forth in Sec. 608(a)(2) "The Planning

Commission and the Recreation and Parks Commission, after considering existing parkland in the vicinity of the proposed development may deem the addition of a new park on a particular parcel to be unnecessary and the recommend to the Mayor and Board of Aldermen to waive the parkland requirement for the development." We feel we meet that criteria and will be accepting of a recommendation and the open space will not be turned into more housing. The alternatives available are to dedicate the parkland to the City which we are willing to do, grant the waiver or fee-in-lieu of which does not apply in this situation.

R. Fox inquired further on public versus private parkland and G. Dunn provided the Planning staff's point of view regarding the HOA maintaining the property. C. Smariga & S. Miller provided that while it would be private parkland it is still accessible by the public through the right-of-ways in the development and the general public will not know the difference.

R. Myers offered that staff's position with regard to small parcels of parkland is that we would rather see large parcels and not many small parcels. He is okay with the proposal for the HOA to maintain private parkland.

Discussion over the status historic house and structures on the property revolved around the possibility of the Historic Preservation Commission (HPC) deeming worthy enough to have a historic designation. The house will be a private home and preserved while the accessory structures are currently in the proposed parkland.

Motion by M. Lawrence to recommend to the Planning Commission to grant a waiver of the parkland requirement as unnecessary with the condition of a minimum of 10.49 acres dedication required by LMC Sec. 608 and include a provision for a public right-of-way and/or easement for linear park path;

2nd by J. Baldi

ALL in favor.

***G. Dunn offered to come to a future Recreation and Parks Commission meeting(s) to further discuss Section 608 of the LMC and possible changes that can be made. Staff will set that meeting as soon as possible.*

•2. Discussion on fee waiver requests by R. Myers, Deputy Director. With the increased requests for waiver of rental fees within the park system, staff is offering to develop a waiver application request that would ask more questions pertinent to the applicant and the proposed event as well as determine the actual costs associated with such a request. Commission members agreed and asked staff to draft an application for their future review and/or comment.

- 3. Discussion of prohibiting fishing in Carroll Creek Urban Park between North Bentz and Highland Streets by R. Myers, Deputy Director. Concern over public safety was discussed in the "hardscaped" sections of the park downtown. Fishing is currently allowed all along Carroll Creek. Staff, on behalf of the R&PC, has also recommended to the Mayor and Board of Aldermen to allow fishing in Culler Lake to be catch and keep at their May 19, 2011. Chief Dine also provided his approval of this proposed change.

Motion by J. Grove to prohibit fishing by hook and line in Carroll Creek Urban Park from South Court to East Patrick Streets;

2nd by J. Myers

ALL in favor.

UPDATES

- * Maryland Wineries Association "East*Drink*GoLocal Frederick" alcohol request - staff has had contact with the Frederick County Liquor Board and they had a special hearing voting 2-1 to allow this event without fencing. It will be a trial event to see how this works. It will go to the Mayor and Board of Aldermen on June 2, 2011.

- * Volunteer Park Enforcement Agent ability to issue Citations - pursuant to a meeting with R. Myers and the Mayor it will go to a future Mayor and Board Workshop for discussion.

Meeting adjourned at 8:15 p.m.

Respectfully submitted,

Kristi A. Winterstein

Commission Secretary